

## Calendar No. 145

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 1552**

To reauthorize the DC opportunity scholarship program, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JULY 30, 2009

Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. VOINOVICH, Mr. BYRD, and Mr. ENSIGN) introduced the following bill; which was read the first time

JULY 31, 2009

Read the second time and placed on the calendar

---

**A BILL**

To reauthorize the DC opportunity scholarship program, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Scholarships for Op-  
5       portunity and Results Act of 2009” or the “SOAR Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) Parents are best equipped to make decisions  
2           for their children, including the educational setting  
3           that will best serve the interests and educational  
4           needs of their child.

5           (2) For many parents in the District of Colum-  
6           bia, public school choice provided under the Elemen-  
7           tary and Secondary Education Act of 1965, as  
8           amended by the No Child Left Behind Act of 2001,  
9           as well as under other public school choice programs,  
10          is inadequate. More educational options are needed  
11          to ensure all families in the District of Columbia  
12          have access to a quality education. In particular,  
13          funds are needed to provide low-income parents with  
14          enhanced public opportunities and private edu-  
15          cational environments, regardless of whether such  
16          environments are secular or nonsecular.

17          (3) Public school records raise persistent con-  
18          cerns regarding health and safety problems in Dis-  
19          trict of Columbia public schools. For example, more  
20          than half of the District of Columbia’s teenage pub-  
21          lic school students attend schools that meet the Dis-  
22          trict of Columbia’s definition of “persistently dan-  
23          gerous” due to the number of violent crimes.

24          (4) While the per student cost for students in  
25          the public schools of the District of Columbia is one

1 of the highest in the United States, test scores for  
2 such students continue to be among the lowest in  
3 the Nation. The National Assessment of Educational  
4 Progress (NAEP), an annual report released by the  
5 National Center for Education Statistics, reported in  
6 its 2007 study that students in the District of Co-  
7 lumbia were being outperformed by every State in  
8 the Nation. On the 2007 NAEP, 61 percent of  
9 fourth grade students scored “below basic” in read-  
10 ing, and 51 percent scored “below basic” in mathe-  
11 matics. Among eighth grade students, 52 percent  
12 scored “below basic” in reading and 56 percent  
13 scored “below basic” in mathematics. On the 2007  
14 NAEP reading assessment, only 14 percent of the  
15 District of Columbia fourth grade students could  
16 read proficiently, while only 12 percent of the eighth  
17 grade students scored at the proficient or advanced  
18 level.

19 (5) In 2003, Congress passed the DC School  
20 Choice Incentive Act of 2003 (Public Law 108–199;  
21 118 Stat. 126) to provide opportunity scholarships  
22 to parents of students in the District of Columbia  
23 that could be used by students in kindergarten  
24 through grade 12 to attend a private educational in-  
25 stitution. The opportunity scholarship program

1 under such Act was part of a comprehensive 3-part  
2 funding arrangement that also included additional  
3 funds for the District of Columbia public schools,  
4 and additional funds for public charter schools of  
5 the District of Columbia. The intent of the approach  
6 was to ensure that progress would continue to be  
7 made to improve public schools and public charter  
8 schools, and that funding for the opportunity schol-  
9 arship program would not lead to a reduction in  
10 funding for the District of Columbia public and  
11 charter schools. Resources would be available for a  
12 variety of educational options that would give fami-  
13 lies in the District of Columbia a range of choices  
14 with regard to the education of their children.

15 (6) The opportunity scholarship program was  
16 established in accordance with the U.S. Supreme  
17 Court decision, *Zelman v. Simmons-Harris*, 536  
18 U.S. 639 (2002), which found that a program en-  
19 acted for the valid secular purpose of providing edu-  
20 cational assistance to low-income children in a de-  
21 monstrably failing public school system is constitu-  
22 tional if it is neutral with respect to religion and  
23 provides assistance to a broad class of citizens who  
24 direct government aid to religious and secular

1 schools solely as a result of their genuine and inde-  
2 pendent private choices.

3 (7) Since the opportunity scholarship program's  
4 inception, it has consistently been oversubscribed.  
5 Parents express strong support for the opportunity  
6 scholarship program. A rigorous analysis of the pro-  
7 gram by the Institute of Education Sciences (IES)  
8 shows statistically significant improvements in pa-  
9 rental satisfaction and in reading scores that are  
10 even more dramatic when only those students con-  
11 sistently using the scholarships are considered.

12 (8) The DC opportunity scholarship program is  
13 a program that offers families in need, in the Dis-  
14 trict of Columbia, important alternatives while pub-  
15 lic schools are improved. It is the sense of Congress  
16 that this program should continue as 1 of a 3-part  
17 comprehensive funding strategy for the District of  
18 Columbia school system that provides new and equal  
19 funding for public schools, public charter schools,  
20 and opportunity scholarships for students to attend  
21 private schools.

22 **SEC. 3. PURPOSE.**

23 The purpose of this Act is to provide low-income par-  
24 ents residing in the District of Columbia, particularly par-  
25 ents of students who attend elementary schools or sec-

1   ondary schools identified for improvement, corrective ac-  
2   tion, or restructuring under section 1116 of the Elemen-  
3   tary and Secondary Education Act of 1965 (20 U.S.C.  
4   6316), with expanded opportunities for enrolling their  
5   children in other schools in the District of Columbia, at  
6   least until the public schools in the District of Columbia  
7   have adequately addressed shortfalls in health, safety, and  
8   security and the students in the District of Columbia pub-  
9   lic schools are testing in mathematics and reading at or  
10  above the national average.

11 **SEC. 4. GENERAL AUTHORITY.**

12       (a) **AUTHORITY.**—From funds appropriated to carry  
13 out this Act, the Secretary shall award grants on a com-  
14 petitive basis to eligible entities with approved applications  
15 under section 5 to carry out activities to provide eligible  
16 students with expanded school choice opportunities. The  
17 Secretary may award a single grant or multiple grants,  
18 depending on the quality of applications submitted and the  
19 priorities of this Act.

20       (b) **DURATION OF GRANTS.**—The Secretary shall  
21 make grants under this section for a period of not more  
22 than 5 years.

23       (c) **MEMORANDUM OF UNDERSTANDING.**—The Sec-  
24 retary and the Mayor of the District of Columbia shall  
25 enter into a memorandum of understanding regarding the

1 design of, selection of eligible entities to receive grants  
2 under, and implementation of, a program assisted under  
3 this Act.

4 (d) SPECIAL RULES.—Notwithstanding any other  
5 provision of law—

6 (1) funding appropriated for the opportunity  
7 scholarship program under the Omnibus Appropria-  
8 tions Act, 2009, or any other Act, may be used to  
9 provide opportunity scholarships under section 7 to  
10 new applicants;

11 (2) each student application for admission in  
12 the program under this Act for the 2009-2010  
13 school year that was received before the date of en-  
14 actment of this Act shall be considered for admission  
15 into the program for such school year; and

16 (3) subject to the availability of appropriated  
17 funds, each student whose selection for admission in  
18 the program under this Act for the 2009–2010  
19 school year was revoked by the Secretary before the  
20 date of enactment of this Act shall have the stu-  
21 dent’s admission reinstated for such school year.

22 **SEC. 5. APPLICATIONS.**

23 (a) IN GENERAL.—In order to receive a grant under  
24 this Act, an eligible entity shall submit an application to

1 the Secretary at such time, in such manner, and accom-  
2 panied by such information as the Secretary may require.

3 (b) CONTENTS.—The Secretary may not approve the  
4 request of an eligible entity for a grant under this Act  
5 unless the entity’s application includes—

6 (1) a detailed description of—

7 (A) how the entity will address the prior-  
8 ities described in section 6;

9 (B) how the entity will ensure that if more  
10 eligible students seek admission in the program  
11 than the program can accommodate, eligible  
12 students are selected for admission through a  
13 random selection process which gives weight to  
14 the priorities described in section 6;

15 (C) how the entity will ensure that if more  
16 participating eligible students seek admission to  
17 a participating school than the school can ac-  
18 commodate, participating eligible students are  
19 selected for admission through a random selec-  
20 tion process;

21 (D) how the entity will notify parents of el-  
22 igible students of the expanded choice opportu-  
23 nities and how the entity will ensure that par-  
24 ents receive sufficient information about their



1 options to allow the parents to make informed  
2 decisions;

3 (E) the activities that the entity will carry  
4 out to provide parents of eligible students with  
5 expanded choice opportunities through the  
6 awarding of scholarships under section 7(a);

7 (F) how the entity will determine the  
8 amount that will be provided to parents for the  
9 tuition, fees, and transportation expenses, if  
10 any;

11 (G) how the entity will—

12 (i) seek out private elementary schools  
13 and secondary schools in the District of  
14 Columbia to participate in the program;  
15 and

16 (ii) ensure that participating schools  
17 will meet the reporting and other require-  
18 ments of this Act;

19 (H) how the entity will ensure that partici-  
20 pating schools are financially responsible and  
21 will use the funds received under this Act effec-  
22 tively;

23 (I) how the entity will address the renewal  
24 of scholarships to participating eligible stu-  
25 dents, including continued eligibility; and

1           (J) how the entity will ensure that a ma-  
2           jority of its voting board members or governing  
3           organization are residents of the District of Co-  
4           lumbia; and

5           (2) an assurance that the entity will comply  
6           with all requests regarding any evaluation carried  
7           out under section 9.

8   **SEC. 6. PRIORITIES.**

9           In awarding grants under this Act, the Secretary  
10          shall give priority to applications from eligible entities that  
11          will most effectively—

12           (1) give priority to eligible students who, in the  
13           school year preceding the school year for which the  
14           eligible student is seeking a scholarship, attended an  
15           elementary school or secondary school identified for  
16           improvement, corrective action, or restructuring  
17           under section 1116 of the Elementary and Sec-  
18           ondary Education Act of 1965 (20 U.S.C. 6316);

19           (2) give priority to students whose household  
20           includes a sibling or other child who is already par-  
21           ticipating in the program of the eligible entity under  
22           this Act, regardless of whether such students have,  
23           in the past, been assigned as members of a control  
24           study group for the purposes of an evaluation under  
25           section 9;

1           (3) target resources to students and families  
2           that lack the financial resources to take advantage  
3           of available educational options; and

4           (4) provide students and families with the  
5           widest range of educational options.

6 **SEC. 7. USE OF FUNDS.**

7           (a) SCHOLARSHIPS.—

8           (1) IN GENERAL.—Subject to paragraphs (2)  
9           and (3), an eligible entity receiving a grant under  
10          this Act shall use the grant funds to provide eligible  
11          students with scholarships to pay the tuition, fees,  
12          and transportation expenses, if any, to enable the el-  
13          igible students to attend the District of Columbia  
14          private elementary school or secondary school of  
15          their choice beginning in school year 2010–2011.  
16          Each such eligible entity shall ensure that the  
17          amount of any tuition or fees charged by a school  
18          participating in such eligible entity’s program under  
19          this Act to an eligible student participating in the  
20          program does not exceed the amount of tuition or  
21          fees that the school charges to students who do not  
22          participate in the program.

23          (2) PAYMENTS TO PARENTS.—An eligible entity  
24          receiving a grant under this Act shall make scholar-  
25          ship payments under the program under this Act to

1 the parent of the eligible student participating in the  
 2 program, in a manner which ensures that such pay-  
 3 ments will be used for the payment of tuition, fees,  
 4 and transportation expenses (if any), in accordance  
 5 with this Act.

6 (3) AMOUNT OF ASSISTANCE.—

7 (A) VARYING AMOUNTS PERMITTED.—Sub-  
 8 ject to the other requirements of this section,  
 9 an eligible entity receiving a grant under this  
 10 Act may award scholarships in larger amounts  
 11 to those eligible students with the greatest  
 12 need.

13 (B) ANNUAL LIMIT ON AMOUNT.—

14 (i) LIMIT FOR SCHOOL YEAR 2010–  
 15 2011.—The amount of assistance provided  
 16 to any eligible student by an eligible entity  
 17 under a program under this Act for school  
 18 year 2010–2011 may not exceed—

19 (I) \$9,000 for attendance in kin-  
 20 dergarten through grade 8; and

21 (II) \$11,000 for attendance in  
 22 grades 9 through 12.

23 (ii) CUMULATIVE INFLATION ADJUST-  
 24 MENT.—The limits described in clause (i)  
 25 shall apply for each school year following

1 school year 2010–2011, except that the  
2 Secretary shall adjust the maximum  
3 amounts of assistance (as described in  
4 clause (i) and adjusted under this clause  
5 for the preceding year) for inflation, as  
6 measured by the percentage increase, if  
7 any, from the preceding fiscal year in the  
8 Consumer Price Index for All Urban Con-  
9 sumers, published by the Bureau of Labor  
10 Statistics of the Department of Labor.

11 (4) PARTICIPATING SCHOOL REQUIREMENTS.—

12 None of the funds provided under this Act for op-  
13 portunity scholarships may be used by an eligible  
14 student to enroll in a participating private school  
15 unless the participating school—

16 (A) has and maintains a valid certificate of  
17 occupancy issued by the District of Columbia;

18 (B) makes readily available to all prospec-  
19 tive students information on its school accredi-  
20 tation;

21 (C) in the case of a school that has been  
22 operating for 5 years or less, submits to the eli-  
23 gible entity administering the program proof of  
24 adequate financial resources reflecting the fi-  
25 nancial sustainability of the school and the

1 school's ability to be in operation through the  
2 school year;

3 (D) has financial systems, controls, poli-  
4 cies, and procedures to ensure that Federal  
5 funds are used according to this Act; and

6 (E) ensures that each teacher of core sub-  
7 ject matter in the school has a baccalaureate  
8 degree or equivalent degree.

9 (b) ADMINISTRATIVE EXPENSES.—An eligible entity  
10 receiving a grant under this Act may use not more than  
11 3 percent of the amount provided under the grant each  
12 year for the administrative expenses of carrying out its  
13 program under this Act during the year, including—

14 (1) determining the eligibility of students to  
15 participate;

16 (2) selecting eligible students to receive scholar-  
17 ships;

18 (3) determining the amount of scholarships and  
19 issuing the scholarships to eligible students; and

20 (4) compiling and maintaining financial and  
21 programmatic records.

22 (c) PARENTAL ASSISTANCE.—An eligible entity re-  
23 ceiving a grant under this Act may use not more than  
24 2 percent of the amount provided under the grant each  
25 year for the expenses of educating parents about the pro-

1 gram under this Act and assisting parents through the  
2 application process under this Act during the year, includ-  
3 ing—

4 (1) providing information about the program  
5 and the participating schools to parents of eligible  
6 students;

7 (2) providing funds to assist parents of stu-  
8 dents in meeting expenses that might otherwise pre-  
9 clude the participation of eligible students in the  
10 program; and

11 (3) streamlining the application process for par-  
12 ents.

13 (d) STUDENT ACADEMIC ASSISTANCE.—An eligible  
14 entity receiving a grant under this Act may use not more  
15 than 1 percent of the amount provided under the grant  
16 each year for expenses to provide tutoring services to par-  
17 ticipating eligible students that need additional academic  
18 assistance in the students' new schools. If there are insuf-  
19 ficient funds to pay for these costs for all such students,  
20 the eligible entity shall give priority to students who pre-  
21 viously attended an elementary school or secondary school  
22 that was identified for improvement, corrective action, or  
23 restructuring under section 1116 of the Elementary and  
24 Secondary Education Act of 1965 (20 U.S.C. 6316) as  
25 of the time the student attended the school.

1 **SEC. 8. NONDISCRIMINATION.**

2 (a) IN GENERAL.—An eligible entity or a school par-  
3 ticipating in any program under this Act shall not dis-  
4 criminate against program participants or applicants on  
5 the basis of race, color, national origin, religion, or sex.

6 (b) APPLICABILITY AND SINGLE SEX SCHOOLS,  
7 CLASSES, OR ACTIVITIES.—

8 (1) IN GENERAL.—Notwithstanding any other  
9 provision of law, the prohibition of sex discrimina-  
10 tion in subsection (a) shall not apply to a partici-  
11 pating school that is operated by, supervised by, con-  
12 trolled by, or connected to a religious organization to  
13 the extent that the application of subsection (a) is  
14 inconsistent with the religious tenets or beliefs of the  
15 school.

16 (2) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVI-  
17 TIES.—Notwithstanding subsection (a) or any other  
18 provision of law, a parent may choose and a school  
19 may offer a single sex school, class, or activity.

20 (3) APPLICABILITY.—For purposes of this Act,  
21 the provisions of section 909 of the Education  
22 Amendments of 1972 (20 U.S.C. 1688) shall apply  
23 to this Act as if section 909 of the Education  
24 Amendments of 1972 (20 U.S.C. 1688) were part of  
25 this Act.



1       (c) CHILDREN WITH DISABILITIES.—Nothing in this  
2 Act may be construed to alter or modify the provisions  
3 of the Individuals with Disabilities Education Act (20  
4 U.S.C. 1400 et seq.).

5       (d) RELIGIOUSLY AFFILIATED SCHOOLS.—

6           (1) IN GENERAL.—Notwithstanding any other  
7 provision of law, a school participating in any pro-  
8 gram under this Act that is operated by, supervised  
9 by, controlled by, or connected to, a religious organi-  
10 zation may exercise its right in matters of employ-  
11 ment consistent with title VII of the Civil Rights Act  
12 of 1964 (42 U.S.C. 2000e–1 et seq.), including the  
13 exemptions in such title.

14          (2) MAINTENANCE OF PURPOSE.—Notwith-  
15 standing any other provision of law, funds made  
16 available under this Act to eligible students, which  
17 are used at a participating school as a result of their  
18 parents' choice, shall not, consistent with the first  
19 amendment of the United States Constitution, ne-  
20 cessitate any change in the participating school's  
21 teaching mission, require any participating school to  
22 remove religious art, icons, scriptures, or other sym-  
23 bols, or preclude any participating school from re-  
24 taining religious terms in its name, selecting its  
25 board members on a religious basis, or including re-

1 religious references in its mission statements and  
 2 other chartering or governing documents.

3 (e) **RULE OF CONSTRUCTION.**—A scholarship (or any  
 4 other form of support provided to parents of eligible stu-  
 5 dents) under this Act shall be considered assistance to the  
 6 student and shall not be considered assistance to the  
 7 school that enrolls the eligible student. The amount of any  
 8 scholarship (or other form of support provided to parents  
 9 of an eligible student) under this Act shall not be treated  
 10 as income of the parents for purposes of Federal tax laws  
 11 or for determining eligibility for any other Federal pro-  
 12 gram.

13 **SEC. 9. EVALUATIONS.**

14 (a) **IN GENERAL.**—

15 (1) **DUTIES OF THE SECRETARY AND THE**  
 16 **MAYOR.**—The Secretary and the Mayor of the Dis-  
 17 trict of Columbia shall—

18 (A) jointly enter into an agreement with  
 19 the Institute of Education Sciences of the De-  
 20 partment of Education to evaluate annually the  
 21 performance of students who received scholar-  
 22 ships under the 5-year program under this Act,  
 23 and

24 (B) make the evaluations public in accord-  
 25 ance with subsection (c).

1           (2) DUTIES OF THE SECRETARY.—The Sec-  
2       retary, through a grant, contract, or cooperative  
3       agreement, shall—

4           (A) ensure that the evaluation is conducted  
5       using the strongest possible research design for  
6       determining the effectiveness of the program  
7       funded under this Act that addresses the issues  
8       described in paragraph (4); and

9           (B) disseminate information on the impact  
10      of the program in increasing the academic  
11      growth and achievement of participating stu-  
12      dents, and on the impact of the program on  
13      students and schools in the District of Colum-  
14      bia.

15       (3) DUTIES OF THE INSTITUTE OF EDUCATION  
16      SCIENCES.—The Institute of Education Sciences  
17      shall—

18           (A) use a grade appropriate measurement  
19      each school year to assess participating eligible  
20      students;

21           (B) measure the academic achievement of  
22      all participating eligible students; and

23           (C) work with the eligible entities to en-  
24      sure that the parents of each student who ap-  
25      plies for a scholarship under this Act (regard-

1 less of whether the student receives the scholar-  
2 ship) and the parents of each student partici-  
3 pating in the scholarship program under this  
4 Act, agree that the student will participate in  
5 the measurements given annually by the Insti-  
6 tute of Educational Sciences for the period for  
7 which the student applied for or received the  
8 scholarship, respectively, except that nothing in  
9 this subparagraph shall affect a student's pri-  
10 ority for an opportunity scholarship as provided  
11 under section 6(2).

12 (4) ISSUES TO BE EVALUATED.—The issues to  
13 be evaluated include the following:

14 (A) A comparison of the academic growth  
15 and achievement of participating eligible stu-  
16 dents in the measurements described in this  
17 section to the academic growth and achievement  
18 of—

19 (i) students in the same grades in the  
20 District of Columbia public schools; and

21 (ii) the eligible students in the same  
22 grades in the District of Columbia public  
23 schools who sought to participate in the  
24 scholarship program but were not selected.

1 (B) The success of the program in expand-  
2 ing choice options for parents.

3 (C) The reasons parents choose for their  
4 children to participate in the program.

5 (D) A comparison of the retention rates,  
6 dropout rates, and (if appropriate) graduation  
7 and college admission rates, of students who  
8 participate in the program funded under this  
9 Act with the retention rates, dropout rates, and  
10 (if appropriate) graduation and college admis-  
11 sion rates of students of similar backgrounds  
12 who do not participate in such program.

13 (E) The impact of the program on stu-  
14 dents, and public elementary schools and sec-  
15 ondary schools, in the District of Columbia.

16 (F) A comparison of the safety of the  
17 schools attended by students who participate in  
18 the program funded under this Act and the  
19 schools attended by students who do not par-  
20 ticipate in the program, based on the percep-  
21 tions of the students and parents and on objec-  
22 tive measures of safety.

23 (G) Such other issues as the Secretary  
24 considers appropriate for inclusion in the eval-  
25 uation.

1           (H) An analysis of the issues described in  
2           subparagraphs (A) through (G) with respect to  
3           the subgroup of eligible students participating  
4           in the program funded under this Act who con-  
5           sistently use the opportunity scholarships to at-  
6           tend a participating school.

7           (5) PROHIBITION.—Personally identifiable in-  
8           formation regarding the results of the measurements  
9           used for the evaluations may not be disclosed, except  
10          to the parents of the student to whom the informa-  
11          tion relates.

12          (b) REPORTS.—The Secretary shall submit to the  
13          Committees on Appropriations, Education and Labor, and  
14          Oversight and Government Reform of the House of Rep-  
15          resentatives and the Committees on Appropriations,  
16          Health, Education, Labor, and Pensions, and Homeland  
17          Security and Governmental Affairs of the Senate—

18                (1) annual interim reports, not later than De-  
19                cember 1 of each year for which a grant is made  
20                under this Act, on the progress and preliminary re-  
21                sults of the evaluation of the program funded under  
22                this Act; and

23                (2) a final report, not later than 1 year after  
24                the final year for which a grant is made under this

1 Act, on the results of the evaluation of the program  
2 funded under this Act.

3 (c) PUBLIC AVAILABILITY.—All reports and under-  
4 lying data gathered pursuant to this section shall be made  
5 available to the public upon request, in a timely manner  
6 following submission of the applicable report under sub-  
7 section (b), except that personally identifiable information  
8 shall not be disclosed or made available to the public.

9 (d) LIMIT ON AMOUNT EXPENDED.—The amount ex-  
10 pended by the Secretary to carry out this section for any  
11 fiscal year may not exceed 5 percent of the total amount  
12 appropriated to carry out this Act for the fiscal year.

13 **SEC. 10. REPORTING REQUIREMENTS.**

14 (a) ACTIVITIES REPORTS.—Each eligible entity re-  
15 ceiving funds under this Act during a year shall submit  
16 a report to the Secretary not later than July 30 of the  
17 following year regarding the activities carried out with the  
18 funds during the preceding year.

19 (b) ACHIEVEMENT REPORTS.—

20 (1) IN GENERAL.—In addition to the reports  
21 required under subsection (a), each grantee receiving  
22 funds under this Act shall, not later than September  
23 1 of the year during which the second academic year  
24 of the grantee's program is completed and each of  
25 the next 2 years thereafter, submit to the Secretary

a report, including any pertinent data collected in the preceding 2 academic years, concerning—

(A) the academic growth and achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information.

(c) REPORTS TO PARENT.—

(1) IN GENERAL.—Each grantee receiving funds under this Act shall ensure that each school participating in the grantee’s program under this Act during a year reports at least once during the year to the parents of each of the school’s students who are participating in the program on—

(A) the student’s academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student’s school in the same grade or level, as appropriate, and the aggregate academic achievement of the student’s



1           peers at the student's school in the same grade  
2           or level, as appropriate; and

3                   (B) the safety of the school, including the  
4           incidence of school violence, student suspen-  
5           sions, and student expulsions.

6           (2) PROHIBITING DISCLOSURE OF PERSONAL  
7           INFORMATION.—No report under this subsection  
8           may contain any personally identifiable information,  
9           except as to the student who is the subject of the  
10          report to that student's parent.

11          (d) REPORT TO CONGRESS.—The Secretary shall  
12          submit to the Committees on Appropriations, Education  
13          and the Workforce, and Oversight and Government Re-  
14          form of the House of Representatives and the Committees  
15          on Appropriations, Health, Education, Labor, and Pen-  
16          sions, and Homeland Security and Governmental Affairs  
17          of the Senate an annual report on the findings of the re-  
18          ports submitted under subsections (a) and (b).

19   **SEC. 11. OTHER REQUIREMENTS FOR PARTICIPATING**  
20                   **SCHOOLS.**

21          (a) TESTING.—Students participating in a program  
22          under this Act shall take a nationally norm-referenced  
23          standardized test in reading and mathematics. Results of  
24          such test shall be reported to the student's parent and  
25          the Institute of Education Sciences. To preserve confiden-

1 tiality, at no time should results for individual students  
2 or schools be released to the public.

3 (b) REQUESTS FOR DATA AND INFORMATION.—Each  
4 school participating in a program funded under this Act  
5 shall comply with all requests for data and information  
6 regarding evaluations conducted under section 9(a).

7 (c) RULES OF CONDUCT AND OTHER SCHOOL POLI-  
8 CIES.—A participating school, including a participating  
9 school described in section 8(d), may require eligible stu-  
10 dents to abide by any rules of conduct and other require-  
11 ments applicable to all other students at the school.

12 **SEC. 12. DEFINITIONS.**

13 In this Act:

14 (1) ELEMENTARY SCHOOL.—The term “elemen-  
15 tary school” means an institutional day or residen-  
16 tial school, including a public elementary charter  
17 school, that provides elementary education, as deter-  
18 mined under District of Columbia law.

19 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
20 ty” means any of the following:

21 (A) A nonprofit organization.

22 (B) A consortium of nonprofit organiza-  
23 tions.

1           (3) ELIGIBLE STUDENT.—The term “eligible  
2       student” means a student who is a resident of the  
3       District of Columbia and comes from a household—

4           (A) receiving assistance under the supple-  
5       mental nutrition assistance program established  
6       under the Food and Nutrition Act of 2008 (7  
7       U.S.C. 2011 et seq.); or

8           (B) whose income does not exceed—

9           (i) 185 percent of the poverty line;

10          (ii) in the case of a student in a  
11       household that had a student participating  
12       in a program under this Act for the pre-  
13       ceding school year, 250 percent of the pov-  
14       erty line; or

15          (iii) in the case of a student in a  
16       household that had a student participating  
17       in a program under the DC School Choice  
18       Incentive Act of 2003 (Public Law 108–  
19       199; 118 Stat. 126) on or before the date  
20       of enactment of this Act, 300 percent of  
21       the poverty line.

22          (4) PARENT.—The term “parent” has the  
23       meaning given that term in section 9101 of the Ele-  
24       mentary and Secondary Education Act of 1965 (20  
25       U.S.C. 7801).

1           (5) POVERTY LINE.—The term “poverty line”  
 2       has the meaning given that term in section 9101 of  
 3       the Elementary and Secondary Education Act of  
 4       1965 (20 U.S.C. 7801).

5           (6) SECONDARY SCHOOL.—The term “sec-  
 6       ondary school” means an institutional day or resi-  
 7       dential school, including a public secondary charter  
 8       school, that provides secondary education, as deter-  
 9       mined under District of Columbia law, except that  
 10      the term does not include any education beyond  
 11      grade 12.

12          (7) SECRETARY.—The term “Secretary” means  
 13      the Secretary of Education.

14   **SEC. 13. TRANSITION PROVISIONS.**

15      (a) REPEAL.—The DC School Choice Incentive Act  
 16      of 2003 (title III of division C of the Consolidated Appro-  
 17      priations Act, 2004 (Public Law 108–199; 118 Stat. 126))  
 18      is repealed.

19      (b) REAUTHORIZATION OF PROGRAM.—This Act  
 20      shall be deemed to be the reauthorization of the oppor-  
 21      tunity scholarship program under the DC School Choice  
 22      Incentive Act of 2003.

23      (c) ORDERLY TRANSITION.—Subject to subsections  
 24      (d) and (e), the Secretary shall take such steps as the Sec-  
 25      retary determines to be appropriate to provide for the or-

1 derly transition to the authority of this Act from any au-  
2 thority under the provisions of the DC School Choice In-  
3 centive Act of 2003 (Public Law 108–199; 118 Stat. 126),  
4 as the DC School Choice Incentive Act of 2003 was in  
5 effect on the day before the date of enactment of this Act.

6 (d) RULE OF CONSTRUCTION.—Nothing in this Act  
7 or a repeal made by this Act shall be construed to alter  
8 or affect the memorandum of understanding entered into  
9 with the District of Columbia, or any grant or contract  
10 awarded, under the DC School Choice Incentive Act of  
11 2003 (Public Law 108–199; 118 Stat. 126), as the DC  
12 School Choice Incentive Act of 2003 was in effect on the  
13 day before the date of enactment of this Act.

14 (e) MULTI-YEAR AWARDS.—The recipient of a multi-  
15 year grant or contract award under the DC School Choice  
16 Incentive Act of 2003 (Public Law 108–199; 118 Stat.  
17 126), as the DC School Choice Incentive Act of 2003 was  
18 in effect on the day before the date of enactment of this  
19 Act, shall continue to receive funds in accordance with the  
20 terms and conditions of such award.

21 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) FISCAL YEAR 2010.—There are authorized to be  
23 appropriated—

1           (1) to carry out this Act, \$20,000,000 for fiscal  
2       year 2010 and such sums as may be necessary for  
3       each of the 4 succeeding fiscal years;

4           (2) for the District of Columbia public schools,  
5       in addition to any other amounts available for Dis-  
6       trict of Columbia public schools, \$20,000,000 for fis-  
7       cal year 2010 and such sums as may be necessary  
8       for each of the 4 succeeding fiscal years; and

9           (3) for District of Columbia public charter  
10      schools, in addition to any other amounts available  
11      for District of Columbia public charter schools,  
12      \$20,000,000 for fiscal year 2010 and such sums as  
13      may be necessary for each of the 4 succeeding fiscal  
14      years.



Calendar No. 145

11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1552**

**A BILL**

To reauthorize the DC opportunity scholarship  
program, and for other purposes.

JULY 31, 2009

Read the second time and placed on the calendar